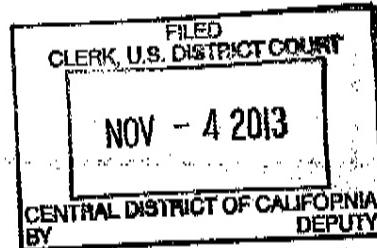


COPY

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6

7 *Attorneys for Defendant*
Bank of America, N.A., erroneously sued
as Bank of America Corporation
8



REED SMITH LLP
A limited liability partnership formed in the State of Delaware

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV13-8133SGJ(MAN)

No.: _____

[Removal from Superior Court of
California, County of Los Angeles, Case
No. LC100809] _____

12 EDWARD MAKARON,
13 Plaintiff,
14 vs.
15 BANK OF AMERICA CORPORATION,
16 Defendant.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

[Filed concurrently with
1. Notice to Plaintiff of Removal;
2. Corporate Disclosure Statement;
3. Civil Case Cover Sheet.]

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF**
2 **AND HIS ATTORNEYS OF RECORD:**

3
4 **PLEASE TAKE NOTICE** that Defendant Bank of America, N.A., erroneously
5 sued as Bank of America Corporation (hereinafter “BANA”) hereby removes to this
6 Court the state court action described below. This case is a civil action over which
7 this Court has jurisdiction pursuant to 28 U.S.C. § 1331 and is one that may be
8 removed to this Court pursuant to 28 U.S.C. § 1441, as this case involves a Federal
9 Statute. Further, this Court has jurisdiction pursuant to 28 U.S.C. § 1332, and is one
10 that may be removed to this Court pursuant to 28 U.S.C. § 1441(b) because it is a civil
11 action between citizens of different states and the amount in controversy exceeds
12 \$75,000.

13
14 **I. PROCEDURAL BACKGROUND**

15
16 1. On or about September 18, 2013, Plaintiff Edward Makaron (hereinafter,
17 “Plaintiff”) filed a Complaint in the Superior Court of the State of California, County
18 of Los Angeles, *Edward Makaron v. Bank of America Corporation*, Case No.
19 LC100809 (hereinafter the “State Court Action”). The Summons and Complaint
20 were served upon BANA on October 4, 2013. True and correct copies of the
21 Summons and Complaint in the State Court Action are attached hereto as Exhibits A
22 and B.

23
24 2. This removal has been timely filed because it is filed within thirty days of
25 the date BANA was served with the Summons and Complaint. See 28 U.S.C. §

1 1446(b). A true and correct copy of the court docket from the State Court Action is
2 attached as Exhibit C.
3

4 3. This action against BANA could have been originally filed in this Court
5 on two grounds. First, jurisdiction is proper pursuant to 28 U.S.C. § 1331 and the
6 Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.* Second,
7 jurisdiction is proper pursuant to 28 U.S.C. § 1332, as there is complete diversity
8 between the parties and the amount in controversy requirement is satisfied.
9

10 4. This District Court is the federal judicial district encompassing the
11 Superior Court where this suit was originally filed. Venue is thus proper under 28
12 U.S.C. §§ 81(b)(1) and 1441(a).
13

14 **II. GROUNDS FOR REMOVAL**

15

16 **A. Removal Is Proper Because This Case Involves A Federal Statute**

17 5. Plaintiff’s Complaint is removable under 28 U.S.C. § 1441 because it
18 originally could have been filed in this Court under 28 U.S.C. § 1331, in that Plaintiff
19 brings a cause of action against BANA under the Telephone Consumer Protection
20 Act, 47 U.S.C. § 227 *et seq.* See Compl. (“Count II. Violation of Telephone Consumer
21 Protection Act”). Specifically, Plaintiff alleges that beginning in January of 2013,
22 BANA began contacting Plaintiff numerous times to collect the debt of another
23 individual named Michael Sims. Compl. ¶ 5. Plaintiff further alleges that an
24 “automatic dialer” was used to place calls to his cell phone, in violation of 47 USC §
25 227(b). Id., ¶ 8-10. Plaintiff asserts that “Defendant’s conduct violated the [TCPA]
26
27
28

1 by...using any automatic dialing system or an artificial or pre-recorded voice to any
2 telephone number assigned to a paging service, cellular telephone service, specialized
3 mobile radio service, or other radio common carrier service, or any service for which
4 the party is charged for the call (47 USC § 227(b)(A)(iii)).” Compl. ¶ 14.

6 6. Under 28 U.S.C. § 1331, “[t]he district courts shall have original
7 jurisdiction of all civil actions arising under the . . . laws . . . of the United States.”
8 “[A]ny civil action brought in a State court of which the district courts of the United
9 States have original jurisdiction, may be removed by the defendant or the defendants,
10 to the district court of the United States for the district and division embracing the
11 place where such action is pending.” 28 U.S.C. § 1441(a).

12 7. As Plaintiff’s above-listed cause of action arises under 47 U.S.C. § 227,
13 over which this Court has original jurisdiction, Plaintiff’s Complaint is proper for
14 removal under 28 U.S.C. § 1441.

15 8. Moreover, Plaintiff’s state law claim for Violation of the Rosenthal Fair
16 Debt Collection Practices Act (“RFDCPA”) is based on the same alleged conduct that
17 Plaintiff describes in support of his Violation of the TCPA claim. *See* Compl. Count I.
18 (“To the extent that Defendant’s actions, counted above, violated the RFDCPA, those
19 actions were done knowingly and willfully.”). In sum, Plaintiff’s TCPA and
20 RFDCPA claims are both premised upon allegations that BANA wrongfully made
21 harassing phone calls to Plaintiff. Because Plaintiff’s state law RFDCPA claim clearly
22 arises from a common nucleus of operative facts as his TCPA claim, this Court should
23

1 exercise pendent jurisdiction over these claims. *See United Mine Workers v. Gibbs*,
2 383 U.S. 715, 725 (1966) (explaining that pendent jurisdiction is proper when there is
3 a claim involving a substantial federal question, which derives from a common
4 nucleus of operative facts as the state claims, and “were it not for their disparate
5 federal and state character plaintiff would be expected to try them in one
6 proceeding”); *see also Lehmann*, 1998 U.S. Dist. LEXIS 3392, at *7 (exercising
7 pendent jurisdiction over state law claims which arise from a common nucleus of
8 operative fact); *Di Loreto v. Di Loreto*, 1991 U.S. Dist. LEXIS 10075, at *6 (E.D.P.A.
9 July 19, 1991) (denying motion to remand and exercising supplemental jurisdiction
10 over plaintiff’s state law claims).

11
12
13
14 9. For the foregoing reasons, this Court has original federal question
15 jurisdiction pursuant to 28 U.S.C. § 1331 and can exercise supplemental pendent
16 jurisdiction over the state law claim pursuant to 28 U.S.C. § 1337.

17
18 **B. Removal Is Proper On The Basis Of Diversity**

19
20 10. Plaintiff is a citizen of the State of California. *See* Complaint
21 (“Compl.”) ¶ 2.

22
23 11. BANA is a national bank with its principal place of business in
24 Charlotte, North Carolina. It is therefore a citizen of North Carolina for diversity
25 purposes.

26
27 12. There is complete diversity between the parties because BANA is the
28 citizen of North Carolina, and Plaintiff is the citizen of California.

13. The amount in controversy exceeds \$75,000 because Plaintiff is seeking
\$2,000 for each of the alleged twenty (20) violations of the TCPA. See Compl. ¶ 6,
Prayer For Relief A, B. Specifically, Plaintiff seeks \$500 in statutory damage for
each violation of the TCPA, as well as \$1,500 for each “willful and/or knowing”
violation. *Id.* Thus, the total amount of statutory damages Plaintiff is seeking under
the TCPA is over \$80,000. *See id.* As Plaintiff seeks over \$75,000 in statutory
damages, the amount in controversy requirement is satisfied.

WHEREFORE, this action should proceed in the United States District Court for the Central District of California, as an action properly removed thereto.

DATED: November 4, 2013

REED SMITH LLP

By:

Katherine A. Scott-Smith (SBN 282604)
Attorneys for Defendant
Bank of America, N.A., erroneously sued as
Bank of America Corporation

EXHIBIT A

10/4/13

2:55 PM

AY

SUM-100

COPY

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

BANK OF AMERICA CORPORATION

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

EDWARD MAKARON

ORIGINAL FILED
Northwest District

SEP 18 2013

LOS ANGELES
SUPERIOR COURT

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/seithelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/seithelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la Información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of Los Angeles

6230 Sylmar Ave
Van Nuys, CA 91401

CASE NUMBER:
(Número del Caso):

LC100809

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Todd M. Friedman, 369 S. Doheny Dr., #415, Beverly Hills, CA 90211, 877-206-4741

DATE:
(Fecha)

Sc

Sheriff

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
 2. as the person sued under the fictitious name of (specify):
 3. on behalf of (specify):
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):

10-4-13

SUMMONS

Code of Civil Procedure §§ 412.20, 485
www.courtinfo.ca.gov

EXHIBIT B

1 Todd M. Friedman (216752)
2 Nicholas J. Bontrager (252114)
3 Suren N. Weerasuriya (278512)
4 Law Offices of Todd M. Friedman, P.C.
5 369 S. Doheny Dr. #415
6 Beverly Hills, CA 90211
7 Phone: 877-206-4741
8 Fax: 866-633-0228
9 tfriedman@attorneysforconsumers.com
10 nbontrager@attorneysforconsumers.com
11 sweerasuriya@attorneysforconsumers.com
12 Attorneys for Plaintiff

ORIGINAL FILED
Northwest District
SEP 18 2013
LOS ANGELES
SUPERIOR COURT

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES
11 UNLIMITED JURISDICTION

LC100809

12) Case No.
13)
14) COMPLAINT FOR VIOLATION OF
15) ROSENTHAL FAIR DEBT COLLECTION
16) PRACTICES ACT; AND TELEPHONE
17) CONSUMER PROTECTION ACT
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
EDWARD MAKARON,
Plaintiff,
vs.
BANK OF AMERICA CORPORATION,
Defendant.

-) 1. Violation of Rosenthal Fair Debt
Collection Practices Act
2. Violation of Telephone Consumer
Protection Act

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Ancillary to the claims above, Plaintiff further alleges claims for

Defendant's violations of the Telephone Consumer Protection Act., 47 U.S.C. §227, *et seq.* (hereinafter "TCPA").

II. PARTIES

2. Plaintiff, EDWARD MAKARON ("Plaintiff"), is a natural person residing in Los Angeles County in the state of California, and is a "debtor" as defined by Cal Civ Code §1788.2(h) and is a "person" as defined by 47 U.S.C. § 153 (10).

3. At all relevant times herein, Defendant, BANK OF AMERICA CORPORATION ("Defendant") was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "consumer debt," as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due, and therefore is a "debt collector" as defined by the RFDCPA, Cal Civ Code §1788.2(c). Defendant is a "person" as defined by *47 U.S.C. § 153 (10)*.

III. FACTUAL ALLEGATIONS

4. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt owed by an individual named "Michael Sims."

5. In or around January of 2013, Defendant began numerously contacting Plaintiff on his cellular telephone, in attempting a collect a debt Plaintiff allegedly owed to by "Michael Sims."

6. Plaintiff is informed and believes that between January 2013 to the present, Defendant called his cell phone at least twenty (20) times in an attempt to collect the alleged debt.

1 7. Furthermore, Defendant placed several collection calls to Plaintiff's cellular
2 telephone on prior to 8:00am; including a call on January 3, 2013 at 4:58am.

3 8. Defendant used an "automatic telephone dialing system", as defined by 47
4 U.S.C. § 227(a)(1), to place its repeated collection calls to Plaintiff seeking to collect the debt
5 allegedly owed.

6 9. Defendant's calls constituted calls that were not for emergency purposes as
7 defined by 47 U.S.C. § 227(b)(1)(A).

8 10. Defendant's calls were placed to telephone number assigned to a cellular
9 telephone service for which Plaintiff incurs a charge for incoming calls pursuant to 47 U.S.C. §
10 227(b)(1).

11 11. On numerous occasions, Plaintiff would either answer Defendant's call or return
12 Defendant's call to advise Defendant that he was not "Michael Sims" and to demand that
13 Defendant cease placing its collection calls to his cellular telephone.

14 12. Despite this, Defendant continued to place its calls to Plaintiff's cellular
15 telephone in an attempt to collect the alleged debt.

16 13. Defendant's conduct violated the RFDCPA in multiple ways, including but not
17 limited to:

- 18
- 20 a) Causing Plaintiff's telephone to ring repeatedly or continuously
21 with intent to harass, annoy or abuse Plaintiff (§1692d(5));
 - 22
 - 23 b) Causing a telephone to ring repeatedly or continuously to annoy
24 Plaintiff (Cal Civ Code §1788.11(d));
 - 25
 - 26 c) Communicating, by telephone or in person, with Plaintiff with
27 such frequency as to be unreasonable and to constitute an
28 harassment to Plaintiff under the circumstances (Cal Civ Code
 §1788.11(e)); and
 - 29
 - 30 d) Communicating with Plaintiff prior to 8:00am and thus a time
31 presumed to be inconvenient (§1692c(a)(1)).

1 14. Defendant's conduct violated the TCPA by:

- 2 a) using any automatic telephone dialing system or an artificial or pre-recorded
3 voice to any telephone number assigned to a paging service, cellular telephone
4 service, specialized mobile radio service, or other radio common carrier service,
5 or any service for which the called party is charged for the call (47 USC
§227(b)(A)(iii)).

6 15. As a result of the above violations of the RFDCPA, and TCPA, Defendant is
7 liable to Plaintiff for Plaintiff's statutory damages, costs and attorney's fees.

10 **COUNT I: VIOLATION OF ROSENTHAL**
11 **FAIR DEBT COLLECTION PRACTICES ACT**

12 16. Plaintiff reincorporates by reference all of the preceding paragraphs.

13 17. To the extent that Defendant's actions, counted above, violated the RFDCPA,
14 those actions were done knowingly and willfully.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant
18 for the following:

- 19 A. Statutory damages for willful and negligent violations;
20 B. Costs and reasonable attorney's fees,
21 C. For such other and further relief as may be just and proper.

23 **COUNT II: VIOLATION OF TELEPHONE CONSUMER PROTECTION ACT**

24 18. Plaintiff incorporates by reference all of the preceding paragraphs.

25 19. The foregoing acts and omissions of Defendant constitute numerous and
26 multiple negligent violations of the TCPA, including but not limited to each and every one of
27 the above cited provisions of 47 U.S.C. § 227 *et seq.*

28 20. As a result of Defendant's negligent violations of 47 U.S.C. § 227 *et seq.*,

Plaintiff is entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

21. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227 *et seq.*

22. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227 et seq., Plaintiff is entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

23. Plaintiff is entitled to and seeks injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiff is entitled to and requests \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).

B. As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff is entitled to and requests treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).

C. Any and all other relief that the Court deems just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted August 28, 2013.

By:

Todd M. Friedman, Esq.
Law Offices of Todd M. Friedman, P.C.
Attorney for Plaintiff

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Todd M. Friedman, Esq., SBN 216732 Law Offices of Todd M. Friedman 369 S. Doheny Dr. #415 Beverly Hills, CA 90211 TELEPHONE NO.: 877-206-4741		FAX NO.: 866-633-0228
ATTORNEY FOR (Name): Plaintiff, Edward Makaron		

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 6230 Sylmar Ave MAILING ADDRESS: CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Van Nuys Courthouse East	
--	--

CASE NAME:
Edward Makaron v. Bank of America Corporation

CIVIL CASE COVER SHEET -		Complex Case Designation	CASE NUMBER:
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	LC 100809
		JUDGE:	
		DEPT:	

Items 1-6 below must be completed (see Instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation
<input type="checkbox"/> Auto (22)	<input type="checkbox"/> Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Rule 3.740 collections (09)	<input type="checkbox"/> Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	<input type="checkbox"/> Other collections (09)	<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Asbestos (04)	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Product liability (24)	<input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Medical malpractice (45)	Real Property	<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14)	<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Non-PI/PD/WD (Other) Tort	<input type="checkbox"/> Wrongful eviction (33)	Enforcement of Judgment
<input type="checkbox"/> Business tort/unfair business practice (07)	<input type="checkbox"/> Other real property (26)	<input type="checkbox"/> Enforcement of judgment (20)
<input type="checkbox"/> Civil rights (08)	Unlawful Detainer	Miscellaneous Civil Complaint
<input type="checkbox"/> Defamation (13)	<input type="checkbox"/> Commercial (31)	<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Fraud (16)	<input type="checkbox"/> Residential (32)	<input type="checkbox"/> Other complaint (not specified above) (42)
<input type="checkbox"/> Intellectual property (19)	<input type="checkbox"/> Drugs (38)	Miscellaneous Civil Petition
<input type="checkbox"/> Professional negligence (25)	Judicial Review	<input type="checkbox"/> Partnership and corporate governance (21)
<input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Asset forfeiture (05)	<input type="checkbox"/> Other petition (not specified above) (43)
Employment	<input type="checkbox"/> Petition re: arbitration award (11)	
<input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Writ of mandate (02)	
<input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Other judicial review (39)	

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): 2

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 28, 2013

Todd M. Friedman

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Cal. Rules of Court, rules 2,30, 3,220, 3,400-3,403, 3,740;
Cal. Standards of Judicial Administration, ed. 3.10
www.courtinfo.ca.gov

Page 1 of 2

SHORT TITLE: Edward Makaron v. Bank of America Corporation	CASE NUMBER LC100809
---	-------------------------

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATE FOR TRIAL 2-4 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location where defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: Edward Makaron v. Bank of America Corporation		CASE NUMBER	
	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
	Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty/Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 8.
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.	
	<input type="checkbox"/> A6031 Tortsious Interference	1., 2., 3., 5.	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation	Number of parcels _____ 2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
		<input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Edward Makaron v. Bank of America Corporation		CASE NUMBER		
Judicial Review	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.	
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.	
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
	Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
		Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
		Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)		<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
Toxic Tort Environmental (30)		<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
Insurance Coverage Claims from Complex Case (41)		<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.	
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.	
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.	
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.	
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.	
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.	
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.	
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.	
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.	
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 8.	
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.	
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.	
		<input type="checkbox"/> A6190 Election Contest	2.	
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.	
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.	
		<input type="checkbox"/> A6100 Other Civil Petition	2., 8.	

SHORT TITLE: Edward Makaron v. Bank of America Corporation	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.		ADDRESS: 20141 Bassett St.
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		
CITY: Winnetka	STATE: CA	ZIP CODE: 91306

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Van Nuys East courthouse in the Northwest District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: August 28, 2013



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

Reserved for Clerk's File Stamp

ORIGINAL FILED

COURTHOUSE ADDRESS: NORTH CENTRAL -- GLENDALE
600 EAST BROADWAY
GLENDALE, CA 91206

PLAINTIFF:

DEFENDANT:

NOTICE OF CASE MANAGEMENT CONFERENCE

**LOS ANGELES
SUPERIOR COURT**

CASE NUMBER:

EC 061237

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: FEB 18 2014	Time: 8:30 AM	Dept.: D E
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Pursuant to California Rules of Court, rule 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order dismissing fictitious/unnamed defendants; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: SEP 19 2013

Judge Mary Thornton House
Judge of the Superior Court

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

- By depositing in the United States mail at the courthouse in Glendale, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- by personally giving the party a copy of this notice upon filing of the complaint.

Date: SEP 19 2013

John A. Clarke, Executive Officer / Clerk

By: A. ESPARZA

Deputy Clerk

Cal. Rules of Court, rule 3.720-3.730
LASC Local Rules, Chapter Seven

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		RESERVED FOR CLERK FILE STAMP ORIGINAL FILED
North Central District 600 East Broadway Glendale, CA 91206		SEP 19 2013
NOTICE OF ORDER TO SHOW CAUSE RE FAILURE TO COMPLY WITH TRIAL COURT DELAY REDUCTION ACT		LOS ANGELES SUPERIOR COURT
		CASE NUMBER EC 061237

TO THE PLAINTIFF(S) AND/OR THEIR ATTORNEY(S) OF RECORD:

Pursuant to California Rules of Court, Rule 3.110, all complaints shall be served and a proof of service thereof shall be filed within 60 days of the date the complaint is filed, unless the defendant makes an appearance within that 60 days. Plaintiff's failure to meet this deadline may result in sanctions.

PLEASE TAKE NOTE that this matter is set for an order to show cause why the plaintiff should not be sanctioned for failure to comply with the rules described above on:

Date: **DEC 03 2013** Time: 8:30 am
Address: 600 EAST BROADWAY, GLENDALE, CA 91206

Dept.: GLENDALE NC - D/E

At such time and place, the Court may (1) impose such sanctions as are authorized by law, including dismissal for failure to prosecute (Code of Civil Procedure Section 583.150 and Government Code Section 68608(b)) and (2) make further appropriate orders regarding the preparation of the case for trial.

PLEASE TAKE FURTHER NOTICE that no appearance is necessary at the hearing set forth above if there is (1) a proof of service filed and/or (2) an appearance in the action (i.e. by answer, demurrer, or motion contesting jurisdiction) by each named defendant BEFORE the date set for hearing. Plaintiff's appearance is MANDATORY, however, if any named defendants remain unserved at the date set for the hearing.

Date: SEP 19 2013**Judge Mary Thornton House**

Judge of the Superior Court

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the NOTICE OF ORDER TO SHOW CAUSE RE FAILURE TO COMPLY WITH TRIAL COURT DELAY REDUCTION ACT upon each party or counsel named below:

- By depositing in the United States mail at the courthouse in Glendale, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.
- by personally giving the party a copy of this notice upon filing of the complaint.

--	--

Date: SEP 19 2013

John A. Clarke, Executive Officer / Clerk

By: A. ESPARZA, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

PLAINTIFF(S)/PETITIONER(S)	CASE NUMBER	FILE STAMP
	LC100809	ORIGINAL FILED Northwest District SEP 18 2013 LOS ANGELES SUPERIOR COURT
DEFENDANT(S)/RESPONDENT(S)	NOTICE OF: TRIAL SETTING/ CASE MANAGEMENT CONFERENCE/ OSC RE: DISMISSAL	

TO THE PLAINTIFF(S) AND THE ATTORNEY OF RECORD:

YOU ARE HEREBY NOTIFIED THAT THE ABOVE MATTER HAS BEEN ASSIGNED FOR ALL PURPOSES, INCLUDING TRIAL, TO **JUDGE MARIA E. STRATTON**, PRESIDING IN DEPARTMENT "T" OF THE NORTHWEST DISTRICT ON 2. 6.14 AT 8:30 A.M. IN THE SUPERIOR COURT, LOCATED AT **6230 SYLMAR AVENUE, VAN NUYS, CA 91401.**

You are Ordered to serve this notice of hearing to all parties/attorneys of record forthwith and serve a copy of this notice to all parties to the action within 60 days of service of this notice. The Court orders that except as otherwise ordered in writing, all attorneys (or unrepresented parties as applicable) appear at all scheduled hearings. All parties/attorneys of record are ordered to meet and confer about the matters to be discussed no later than 30 days before the Case Management Conference (which shall take place approximately 140 days from filing of the complaint). The complaint must be served on all named defendants and proofs of service must be filed with the Court within 60 days after the filing of the complaint. If all named defendants have not been served and proofs filed before the 60 days have elapsed, application must have been made with Court to extend or otherwise modify Rule CRC 3.110 (b),(c) and (e).

YOU ARE ORDERED:

- 1). To give notice of this hearing and serve a copy of this notice to all parties to the action within 60 days of service of this notice.
- 2). To bring to the hearing the original Proof of Service of said notice to all of the other parties served by you.

ALL PARTIES ARE ORDERED to have trial counsel, or an attorney thoroughly familiar with the case and trial counsel's calendar, appear at the hearing.

Maria E. Stratton
Judge of the Superior Court

CERTIFICATE OF SERVICE

- I am not a party to the within action, and I certify that I personally served a true copy of the above notice to the plaintiff delivering the copy to the designated representative/attorney service at the time of filing of the original complaint.
- I am not a party to the within action, and I certify that I personally served a true copy of the above notice to the plaintiff or his attorney of record by delivering the copy in person this date to counsel for plaintiff or plaintiff in pro per.

A CORPORATION MUST BE
REPRESENTED BY A LICENSED
CALIFORNIA ATTORNEY

BY: Christine Y-Tehrani Deputy
Christine Y-Tehrani

EXHIBIT C

Case Summary

Case Number: LC100809
EDWARD MAKARON VS BANK OF AMERICA CORPORATION

Filing Date: 09/18/2013
Case Type: Other Intentional Tort-notPI/WD/PD (General Jurisdiction)
Status: Pending

Future Hearings

02/06/2014 at 08:30 am in department T at 6230 Sylmar Ave., Van Nuys, CA 91401
Conference-Case Management

[Documents Filed](#) | [Proceeding Information](#)

Parties

BANK OF AMERICA CORPORATION - Defendant

FRIEDMAN TODD M - Attorney-Plaintiff

MAKARON EDWARD - Plaintiff

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)
Documents Filed (Filing dates listed in descending order)

10/21/2013 Proof of Service-Summons & Com
Filed by Attorney-Plaintiff

09/18/2013 Notice-Case Management Conference

09/18/2013 Summons-Issued
Filed by Attorney-Plaintiff

09/18/2013 Complaint

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

Proceedings Held (Proceeding dates listed in descending order)
None

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge S. James Otero and the assigned Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

2:13CV8133 SJO MANx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

November 4, 2013

Date

By J.Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Edward Makaron

Bank of America Corporation

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)
 Law Offices of Todd Friedman; 369 S. Doheny Dr. #415, Beverly Hills, CA 90211;
 877-206-4741

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)
 Reed Smith, LLP; 101 Second Street Suite 1800 San Francisco, CA 94105;
 415-543-8700

II. BASIS OF JURISDICTION (Place an X in one box only.)

 1. U.S. Government Plaintiff 3. Federal Question (U.S. Government Not a Party) 2. U.S. Government Defendant 4. Diversity (Indicate Citizenship of Parties in Item III)III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

Citizen of This State

PTF

DEF

 1 1 Incorporated or Principal Place of Business in this State

PTF

DEF

Citizen of Another State

PTF

DEF

 2 2 Incorporated and Principal Place of Business in Another State

PTF

DEF

Citizen or Subject of a Foreign Country

PTF

DEF

 3 3 Foreign Nation

PTF

DEF

IV. ORIGIN (Place an X in one box only.)

 1. Original Proceeding 2. Removed from State Court 3. Remanded from Appellate Court 4. Reinstated or Reopened 5. Transferred from Another District (Specify) 6. Multi-District LitigationV. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: Yes No

MONEY DEMANDED IN COMPLAINT: \$ 80,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Plaintiff alleges a violation of the Telephone Consumer Protection Act, 47 U.S.C. Section 227 et seq.

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 369 Employee Ret. Inc. Security Act	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV13-8133

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	
	<input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	
If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input checked="" type="checkbox"/> Western <input type="checkbox"/> Western <input type="checkbox"/> Southern <input type="checkbox"/> Eastern	

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> A PLAINTIFF? <input type="checkbox"/> A DEFENDANT?		
If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	Then check the box below for the county in which the majority of DEFENDANTS reside.		Then check the box below for the county in which the majority of PLAINTIFFS reside.
	<input type="checkbox"/> Los Angeles <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino <input type="checkbox"/> Other		<input type="checkbox"/> Los Angeles <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino <input type="checkbox"/> Other
			<input type="checkbox"/> Western <input type="checkbox"/> Western <input type="checkbox"/> Southern <input type="checkbox"/> Eastern
			<input type="checkbox"/> Western <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino <input type="checkbox"/> Other
			<input type="checkbox"/> Western

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:	C.2. Is either of the following true? If so, check the one that applies:
<input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D	<input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C
Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

DISTRICT COURT - CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?

NO

YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?

NO

YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):**

DATE:

11/4/2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))